

CONFIDENTIAL

31 December 1956

OGC HAS REVIEWED

MEMORANDUM FOR: Mr. Houston

SUBJECT : Change of Official Duty Station During
Course of TDY

1. Certain employees attached to a particular project and presently assigned PCS to overseas areas are because of the nature of their duties constantly in a travel status. It has been determined that because of the amount of travel involved, continuation of their permanent assignments to these overseas stations would serve no useful purpose. Therefore, it is proposed to reassign these individuals PCS Washington and to effect the change without interruption to their current tours of TDY.
2. It has been consistently held that the designation of an official duty station is a matter of fact, i.e., it is the place where in view of the employee's duties he expects and he is expected to spend the greater part of his time. However, with regard to "itinerant" employees, designating Washington, D.C. as their headquarters has been considered proper. Although this latter rule has been applied to domestic employment, it may well be apposite here because of the close supervision and control that Headquarters should, in this particular operational situation exercise over the employees concerned.
3. While the Comptroller has ruled that when an employee is in a travel status and his duty station is changed to a location other than where he may be on TDY, the change is not effected until he physically reports to his new headquarters, he was in those situations concerned with delimiting the periods for which per diem may be paid. To suggest that under the circumstances here, the proposed reassignments may not be accomplished at this time without the employees actually reporting to Headquarters, involving as it does not only an expenditure of government funds but also a cessation-albeit temporary, of certain government business would seem to be so unreasonable as to border the ridiculous. Accordingly,

I am of the view that there would be no legal objection to effecting the proposed reassignments.

4. In regard to an employee's entitlement to post differential for temporary duty, the Standardized Regulations (Government Civilians, Foreign Areas) indicate that such payments are not proper unless the temporary duty at a classified post is actually 60 days or more or unless it shall have been determined that the contemplated duration of temporary duty is not less than 60 days. Under the circumstances once the PCS reassignment has been effected the travel orders should in proper instances be documented accordingly. Of course since per diem and territorial cost of living allowances are designed primarily for the same purpose concurrent payment of both to such of these employees who may be assigned for temporary duty in the territories and possessions would not be proper.

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